

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

STUART EPSTEIN, as trustee for and  
on behalf of Robert Epstein 2006  
Irrevocable Trust 1

Plaintiff,

v.

Case No: 2:13-cv-328-FtM-38UAM

PROVERIAN CAPITAL, LLC,

Defendant.

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**ORDER**

This matter comes before the Court on review of the file. On May 15, 2013, Defendant filed a Motion to Dismiss Complaint (Doc. #6) and Motion to Transfer Case (Doc. #7). To date, Plaintiff has not responded to either Motion. Thus, the Court will allow Plaintiff an amount of time to file a response to the Motions. If no response is filed, the Court will consider the Motions without the benefit of a response.<sup>1</sup>

Accordingly, it is now


**ORDERED:**

Plaintiff shall have up to and including **July 8, 2013** to respond to Defendant's Motion to Dismiss Complaint (Doc. #6) and Motion to Transfer Case (Doc. #7). Failure to do so will result in the Court ruling on the Motions without benefit of a response.

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<sup>1</sup> The Court previously directed Defendant to show cause why the matter should not be remanded for failure to establish subject matter jurisdiction based on the presence of diversity jurisdiction at the time of removal as the Notice of Removal did not properly include the citizenship of the Plaintiff and Defendant LLC members. (Doc. #16). Defendant filed its response on June 29, 2013 (Doc. #18), satisfying their burden to establish complete diversity of the Parties.

**DONE** and **ORDERED** in Fort Myers, Florida this 20th day of June, 2013.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record